

## **NOTICES OF RULEMAKING DOCKET OPENING**

The Administrative Procedure Act (APA) requires the publication of Notices of Rulemaking Docket Opening when an agency opens a rulemaking docket to consider rulemaking. Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process.

### **NOTICE OF RULEMAKING DOCKET OPENING**

#### **STATE PERSONNEL BOARD**

- 1. Title and its heading:** 2, Administration  
**Chapter and its heading:** 5.1, State Personnel Board  
**Article and its heading:** 1, General Provisions  
**Section numbers:** R2-5.1-101, R2-5.1-102, R2-5.1-103
- 2. The subject matter of the proposed rules:**  
This rulemaking will update rules for clarity and understanding, change language to conform with law and current rule-writing standards, and create a separate section addressing the procedures for filing a prohibited personnel practice complaint.
- 3. A citation to all published notices relating to the proceeding:**  
None
- 4. The name and address of board personnel with whom persons may communicate regarding the rule:**  
Name: Judy Henkel, Executive Director  
Address: 1400 West Washington, Suite 280  
Phoenix, AZ, 85007  
Telephone: (602) 542-3888  
Fax: (602) 542-3588
- 5. The time during which the board will accept written comments and the time and place where oral comments may be made:**  
Any person may file written comments on the proposed rulemaking with the board contact person between 8:00 a.m. and 5:00 p.m., Monday through Friday, until the close of the record, which has not yet been determined. The Board has not scheduled oral proceedings but will do so if five or more persons file written requests with the board contact person within 30 days after this notice is published in the *Arizona Administrative Register*.
- 6. A timetable for board decisions or other action on the proceeding, if known:**  
To be determined

### **NOTICE OF RULEMAKING DOCKET OPENING**

#### **DEPARTMENT OF AGRICULTURE - ANIMAL SERVICES DIVISION**

- 1. Title and its heading:** 3, Agriculture  
**Chapter and its heading:** 2, Department of Agriculture - Animal Services Division  
**Article and its heading:** 7, Livestock Inspection  
**Section numbers:** R3-2-701, R3-2-702, R3-2-704, R3-2-705, R-3-2-706  
As a part of this rulemaking, the Department may add, delete or modify additional Sections as necessary.
- 2. The subject matter of the proposed rule:**  
This rulemaking revises the Arizona Department of Agriculture's rules for inspection and self-inspection of livestock in conformance with changes to statute that are being proposed in the current legislative session.
- 3. A citation to all published notices relating to the proceeding:**  
None
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**  
Name: Sherry D. Blatner, Rules Specialist

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Address: Arizona Department of Agriculture  
1688 W. Adams Street  
Phoenix, AZ 85007

Telephone: (602) 542-0962

Fax: (602) 542-5420

E-mail: sherryblatner@agric.state.az.us

**5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**

Written comments: 8 a.m. to 5:00 p.m., Monday through Friday

Oral comments: 8 a.m. to 4:00 p.m., Monday through Friday

Arizona Department of Agriculture  
1688 W. Adams Street  
Phoenix, AZ 85007

**6. A timetable for agency decisions or other action on the proceeding, if known:**

Unknown

**NOTICE OF RULEMAKING DOCKET OPENING**

**DEPARTMENT OF AGRICULTURE - PLANT SERVICES DIVISION**

**1. Title and its heading:**

**Chapter and its heading:**

**Article and its heading:**

**Section numbers:**

3, Agriculture

4, Plant Services Division

3, Nursery

R3-4-301 through R3-4-306

As a part of this rulemaking, the Department may add, delete or modify additional Articles or Sections as necessary.

**2. The subject matter of the proposed rule:**

This rulemaking will clarify existing language, revise outdated references to the Commission and the State Entomologist, and remove or revise outdated incorporations by reference. Opening the docket will enable the Division to explore additional rule changes with industry.

**3. A citation to all published notices relating to the proceeding:**

None

**4. The name and address of agency personnel with whom persons may communicate regarding the rule:**

Name: Sherry D. Blatner, Rules Specialist

Address: Arizona Department of Agriculture  
1688 W. Adams Street  
Phoenix, AZ 85007

Telephone: (602) 542-0962

Fax: (602) 542-5420

E-mail: sherry.blatner@agric.state.az.us

**5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**

Written comments: 8:00 a.m. to 5:00 p.m., Monday through Friday

Oral comments: 8:00 a.m. to 4:00 p.m., Monday through Friday

Arizona Department of Agriculture  
1688 W. Adams Street  
Phoenix, AZ 85007

**6. A timetable for agency decisions or other action on the proceeding, if known:**

Unknown

**NOTICE OF RULEMAKING DOCKET OPENING**

**DEPARTMENT OF HEALTH SERVICES  
ADMINISTRATION**

- 1. Title and its heading:** 9, Health Services  
**Chapter and its heading:** 1, Administration  
**Articles and their headings:** 1, Rules of Practice and Procedure  
2, Public Participation in Rulemaking  
3, Disclosure of Information and Records  
**Section numbers:** R9-1-101 through R9-1-121, R9-1-201 through R9-1-206, R9-1-311 through R9-1-315  
(The Department may add, delete, or modify additional Sections as necessary.)
- 2. The subject matter of the proposed rule:**  
The purpose of this rulemaking is for the Department to repeal R9-1-102 through R9-1-117, R9-1-119, and R9-1-121 because the Department no longer has statutory authority to hold hearings. The Legislature has granted that authority to the Office of Administrative Hearings, pursuant to A.R.S. § 41-1092.01. The Department will also amend R9-1-101, repeal R9-1-118 and R9-1-120, and will add two new sections. The Department will amend the definitions for the chapter. One new Section will contain criteria for parties to follow, if they wish to object to the decision on an appealable agency action, made by an administrative law judge. The second new Section will provide criteria for those parties to follow who wish to request a review or rehearing of that decision. The revised and new Sections will comply with current statutes and conform to current rulemaking format and style requirements.
- The Department will also repeal R9-1-201 through R9-1-206 and add four new Sections that:
1. Provide definitions for the Section,
  2. Identify the location and viewing time of the rulemaking records,
  3. Specify how to prepare a petition for a new or existing rule, and
  4. Specify the criteria for a delayed effective date.
- This information is in the current rules, but extensive changes need to be made to the language in order to conform to current rulemaking format and style requirements.
- The Department will amend R9-1-311, repeal R9-1-312 and R9-1-314, and add two new Sections that provide definitions, and specify under what circumstances and for what purposes medical information may be released by the Department. Finally, the Department will repeal R9-1-313 and R9-1-315, as they contain information that is not properly contained in rules.
- The agency docket number, if applicable:**  
RE-027-01
- 3. A citation to all published notices relating to the proceedings:**  
None
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**  
Name: Kathleen Phillips  
Address: Arizona Department of Health Services  
1740 W. Adams, Room #102  
Phoenix, AZ 85007  
Telephone: (602) 542-1264  
Fax: (602) 542-1090  
E-mail: kphilli@hs.state.az.us
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**  
The Department will accept written comments until the close of record, which has not yet been determined. The Department has not scheduled any oral proceedings at this time.

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- 6. A timetable for agency decisions or other action on the proceeding, if known:**  
To be announced in the Notice of Proposed Rulemaking

**NOTICE OF RULEMAKING DOCKET OPENING**

**ARIZONA DEPARTMENT OF TRANSPORTATION  
TITLE, REGISTRATION, AND DRIVER LICENSES**

- 1. Title and its heading:** 17, Transportation  
**Chapter and its heading:** 4, Department of Transportation – Title, Registration, and Driver Licenses  
**Article and its heading:** 5, Safety  
**Section numbers:** R17-4-508
- 2. Subject matter of the proposed rule:**  
The agency is revising its rule concerning commercial driver license physical qualifications. This rulemaking supercedes a terminated rulemaking on this subject matter published at 8 A.A.R. 559, February 8, 2002 (*in this issue*).
- 3. A citation to all published notices relating to the proceeding:**  
None
- 4. The name and address of agency personnel to whom persons may communicate regarding the rule:**  
Name: George R. Pavia, Department Rules Supervisor  
Address: Administrative Rules Unit  
Department of Transportation, Mail Drop 507M  
3737 N. 7th Street, Suite 160  
Phoenix, AZ 85014-5079  
Telephone: (602) 712-8446  
Fax: (602) 241-1624  
E-mail: gpavia@dot.state.az.us  
Please visit the ADOT web site to track progress of this rule and any other agency rulemaking matters at [www.dot.state.az.us/about/rules](http://www.dot.state.az.us/about/rules).
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**  
A concerned party may make comments to the officer listed in item #4, Monday through Friday, 8:00 a.m. to 4:30 p.m., except state holidays.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**  
To be determined

**NOTICE OF RULEMAKING DOCKET OPENING**

**DEPARTMENT OF TRANSPORTATION  
COMMERCIAL PROGRAMS**

- 1. Title and its heading:** 17, Transportation  
**Chapter and its heading:** 5, Department of Transportation – Commercial Programs  
**Article and its heading:** 2, Motor Carriers  
**Section numbers:** R17-5-201 to R17-5-210
- 2. Subject of the proposed rule:**  
The agency is updating its Motor Carrier Safety and Hazmat sections by incorporating the applicable federal regulations from the 49 CFR, 2001 edition. All definitions from this article will be consolidated into a single Section for clarity and convenience.
- 3. A citation to all published notices relating to the proceeding:**  
None

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**4 The name and address of agency personnel to whom persons may communicate regarding the rule:**

Name: George R. Pavia, Department Rules Supervisor

Address: Administrative Rules Unit  
Department of Transportation, Mail Drop 507M  
3737 N. 7th Street, Suite 160  
Phoenix, AZ 85014-5079

Telephone: (602) 712-8446

Fax: (602) 241-1624

E-mail: gpavia@dot.state.az.us

Please visit the ADOT web site to track progress of this rule and any other agency rulemaking matters at [www.dot.state.az.us/about/rules](http://www.dot.state.az.us/about/rules).

**5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**

Comments made be made to the officer listed in item #4 Monday through Friday, 8:00 a.m. to 4:30 p.m., except state holidays.

**6. A timetable for agency decisions or other action on the proceeding, if known:**

To be determined